

REMARKS

Following entry of the foregoing amendments, claims 79 to 97 will be pending in this patent application. Claims 47 to 68, 71, and 73 to 78 have been canceled, without prejudice, and new claims 79 to 97 have been added, herein. Support for claims 79 to 97 is found throughout the specification as originally filed, including, for example, the original claims. Claims 79 to 97 thus do not introduce new matter into the application.

Applicants respectfully request reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.

Objections to the Specification

A. The specification has been objected to for containing hyperlinks. The appropriate paragraphs of the specification have been amended to remove the hyperlinks, obviating the objection. Applicants accordingly, respectfully request withdrawal thereof.

B. The specification has been objected to for containing references to amino acid sequences present in the sequence listing without providing the identification numbers of the sequences. The appropriate paragraphs of the specification have been amended to add sequence identification numbers, obviating the objection. Applicants accordingly, respectfully request withdrawal thereof.

Objection to the Claims

Claims 65, 67, and 68 have been objected to for allegedly improperly referring to an “amylolytic protein...of claim 47” rather than the “agent” of claim 47. Without conceding the correctness of the assertion, and to advance prosecution, claims 65, 67, and 68 have been canceled herein, obviating the objection. Applicants accordingly, respectfully request withdrawal thereof.

Alleged Indefiniteness

Claims 47, 53 to 68, 71, and 73 to 78 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for numerous reasons. Without conceding the correctness of the assertions made by the Office in support of the rejection, and to advance prosecution, claims 47, 53 to 68, 71, and 73 to 78 have been canceled herein. The bases for the rejection articulated in the official action do not apply to new claims 79 to 97, and applicants accordingly, respectfully request withdrawal thereof.

Alleged Lack of Written Description

A. Claims 47, 53 to 68, 71, and 73 to 78 have been rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement because the dependent claims allegedly do not indicate that any particular identity to a disclosed amino acid sequence is required in the amino acid sequence of the fusion partners of the hybrid α -amylase recited in claim 47. Without conceding the correctness of the assertion, and to advance prosecution, claims 47, 53 to 68, 71, and 73 to 78 have been canceled herein, obviating the rejection. In addition, claim 79 recites that the chimeric amylolytic protein comprises an amino acid sequence that is at least 95 % identical to an amino acid sequence consisting of one or more segments of contiguous amino acids of the *Bacillus amyloliquefaciens* α -amylase set forth in SEQ ID NO:4 fused to one or more segments of contiguous amino acids of the *Bacillus licheniformis* α -amylase set forth in SEQ ID NO:2, and, hence, the bases of this rejection do not apply to new claims 79 to 97. Applicants accordingly, respectfully request withdrawal thereof.

B. Claims 54, 55, 65, 67, 74 to 76, and 78 have been independently rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement because the specification allegedly fails to describe a genus of α -amylases that diverge from a fusion of the mature *Bacillus amyloliquefaciens* and *Bacillus licheniformis* α -amylases by amino acid substitutions, insertions, and deletions in any combination or pattern at any position. Without conceding the correctness of the assertion, and to advance prosecution, claims 54, 55, 65, 67, 74 to 76, and 78 have been canceled herein, obviating the rejection. In addition, as

discussed above, claim 79 recites a chimeric amylolytic protein comprising an amino acid sequence that is at least 95 % identical to an amino acid sequence consisting of one or more segments of contiguous amino acids of the *Bacillus amyloliquefaciens* α -amylase set forth in SEQ ID NO:4 fused to one or more segments of contiguous amino acids of the *Bacillus licheniformis* α -amylase set forth in SEQ ID NO:2, and this rejection thus does not apply to the new claims. Applicants accordingly, respectfully request withdrawal thereof.

Alleged Lack of Enablement

Claims 47, 53 to 68, 71, and 73 to 78 have been rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the enablement requirement because the specification allegedly fails to enable the preparation of fusion polypeptides in which the fusion partners have amino acid sequences that diverge in amino acid identity from either SEQ ID NO:2 or SEQ ID NO:4 by more than 95 %. Without conceding the correctness of the assertion, and to advance prosecution, claims 47, 53 to 68, 71, and 73 to 78 have been canceled herein, obviating the rejection. Notably, since claim 79 recites chimeric amylolytic proteins that comprise amino acid sequences that are at least 95 % identical to amino acid sequences consisting of one or more segments of contiguous amino acids of the *Bacillus amyloliquefaciens* α -amylase set forth in SEQ ID NO:4 fused to one or more segments of contiguous amino acids of the *Bacillus licheniformis* α -amylase set forth in SEQ ID NO:2, this rejection do not apply to new claims 79 to 97. Applicants accordingly, respectfully request withdrawal thereof.

Alleged Anticipation

Claims 47, 48, 50, 53 to 68, 71, and 73 to 78 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. patent number 5,736,499 ("the Mitchinson patent"). Without conceding the correctness of the assertion, and to advance prosecution, claims 47, 48, 50, 53 to 68, 71, and 73 to 78 have been canceled herein, obviating the rejection. Moreover, the Mitchinson patent fails to describe or suggest every limitation of new claims 79 to 97. Specifically, the patent fails to teach or suggest chimeric amylolytic proteins that comprise

amino acid sequences that are at least 95 % identical to an amino acid sequence consisting of one or more segments of contiguous amino acids of the *Bacillus amyloliquefaciens* α -amylase set forth in SEQ ID NO:4 fused to one or more segments of contiguous amino acids of the *Bacillus licheniformis* α -amylase set forth in SEQ ID NO:2. The Mitchinson patent thus fails to anticipate the subject matter of claims 79 to 97, and applicants accordingly, respectfully request withdrawal of the rejection.

Information Disclosure Statement

The Office indicates that an information disclosure statement has not yet been filed for this application. An information disclosure statement, PTO form 1449, and copies of 172 references cited on the form 1449 were filed for this application on June 21, 2004, however. A courtesy copy of the information disclosure statement, PTO Form 1449, and date-stamped return postcard (indicating that the information disclosure statement, PTO form 1449, and 172 references were received by the Patent Office on June 23, 2004) are being submitted herewith. Applicants respectfully ask the Office to return an initialed copy of the PTO Form 1449 to their undersigned representative, confirming consideration of the listed references.

DOCKET NO.: HENK-0060 (H4714)
Application No.: 10/774,018
Office Action Dated: September 24, 2007

PATENT

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the official action of record. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

Date: December 12, 2007

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PATENT AND TRADEMARK OFFICE

Paper: Information Disclosure Statement (in duplicate) w/ First
Class Certification; USPTO-1449 (4 pages); 172 references
cited/172 references submitted; return postcard

Applicant(s) : Kottwitz, et al.

Title: DETERGENT AND CLEANING AGENT
WITH HYBRID ALPHA AMYLOSES

Serial No.: 10/774,018

Filed: February 6, 2004

Docket No.: HENK-0060/H4714

Date Sent: June 21, 2004

Sent By: LBM/BJH/kite



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kottwitz, et al.

Confirmation No.: Not yet known

Application No.: 10/774,018

Group Art Unit: Not yet known

Filing Date: February 6, 2004

Examiner: Not yet known

For: DETERGENT AND CLEANING AGENT WITH HYBRID ALPHA
AMYLASES

DATE OF DEPOSIT: JUNE 21, 2004

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Heather Kite

TYPED NAME: Heather Kite

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date

of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached;
or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☒ Copies of references 1-22 listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

- ☒ In view of the voluminous nature of references 168 and 172, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Where available, Applicants have provided English language counterparts or translations of those listed references which are not in the English language. Translations have not been provided for References 42, 62, 70-74, 115, 162, 163, 169 and 170. A concise explanation of the relevance of these documents is provided in the application as follows:

Reference 42 is described at page 3, lines 9-11;

Reference 62 is described at page 42, line 7;

Reference 70 is described at page 42, line 20;

Reference 71 is described at page 42, lines 21-22;

Reference 72 is described at page 42, lines 18-23;

Reference 73 is described at page 42, line 25;

Reference 74 is described at page 43, line 14;

Reference 115 is described at page 74, line 11;

References 162 and 163 are described at page 12, lines 16-26;

Reference 169 is described at page 72, lines 31-33; and

Reference 170 is described at page 78, lines 6-12.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Enclosed is a copy of the corresponding PCT/EP02/08391 Search Report dated March 26, 2003.

Date: June 16, 2004



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INTERNATIONAL SEARCH REPORT

 Int. Application No.
 PCT/EP 02/08391

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/62 C12N9/28 C1103/386

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, MEDLINE, EMBASE, SCISEARCH, CHEM ABS Data, SEQUENCE SEARCH

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96 23874 A (NOVONORDISK AS ;SVENDSEN ALLAN (DK); BISGAARD FRANTZEN HENRIK (DK)) 8 August 1996 (1996-08-08) cited in the application the whole document	1-46
X	WO 00 60059 A (NOVONORDISK AS) 12 October 2000 (2000-10-12) cited in the application the whole document	1-46
X	WO 97 41213 A (NOVONORDISK AS ;SVENDSEN ALLAN (DK); BORCHERT TÖRBN VEDEL (DK); B) 6 November 1997 (1997-11-06) cited in the application the whole document	1-46

	-/-	

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubt on priority claims or which is cited to establish the publication date of another claim or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

Z document member of the same patent family

Date of the actual completion of the international search

27 February 2003

Date of mailing of the international search report

26/03/2003

Name and mailing address of the ISA

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Authorized officer

Novak, S

INTERNATIONAL SEARCH REPORT

Int. Application No.

PCT/EP 02/08391

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>CONRAD B ET AL: "HYBRID BACILLUS AMULOLIQUEFACIENS X BACILLUS LICHENIFORMIS ALPHA-AMYLASES CONSTRUCTION, PROPERTIES AND SEQUENCE DETERMINANTS" EUROPEAN JOURNAL OF BIOCHEMISTRY, BERLIN, DE, vol. 230, no. 2, 1995, pages 481-490, XP000960424 ISSN: 0014-2956 cited in the application the whole document</p>	1-46
Y	<p>DATABASE EBI 'Online! 21 July 1986 (1986-07-21) "Alpha-amylase precursor (EC 3.2.1.1)" Database accession no. P00692 XP002232998 the whole document</p>	1-46
Y	<p>DATABASE EBI 'Online! 1 January 1988 (1988-01-01) "Alpha-amylase precursor (EC 3.2.1.1)" Database accession no. P06278 XP002232999 the whole document</p>	1-46

INTERNATIONAL SEARCH REPORT

Information on patent family members

In International Application No
PCT/EP 02/08391

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9623874	A	08-08-1996	AU 4483496 A	21-08-1996
			BR 9607013 A	28-10-1997
			CA 2211316 A1	08-08-1996
			CN 1172501 A	04-02-1998
			WO 9623874 A1	08-08-1996
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			JP 11500003 T	06-01-1999
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			US 6440716 B1	27-08-2002
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WO 0060059	A	12-10-2000	AU 3419300 A	23-10-2000
			BR 0009362 A	26-12-2001
			CN 1346404 T	24-04-2002
			WO 0060059 A2	12-10-2000
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WO 9741213	A	06-11-1997	US 6410295 B1	25-06-2002
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			BR 9708887 A	03-08-1999
			CN 1217020 A	19-05-1999
			WO 9741213 A1	06-11-1997
			EP 0904360 A1	31-03-1999
			JP 2000508914 T	18-07-2000
			US 6143708 A	07-11-2000
			US 6436888 B1	20-08-2002

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/774,018
		Filing Date	February 6, 2004
		First Named Inventor	Kottwitz et al.
		Art Unit	Not yet known ¹
		Examiner Name	Not yet known
Sheet	1	of	4
		Attorney Docket Number	HENK-0080/H4714

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number—Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-1,227,374	05/22/1917	Boidin et al.	
	2	US-5,972,873	10/26/1999	Nielsen et al.	
	3	US-5,723,323	03/03/1998	Kauffman et al.	
	4	US-3,623,957	11/30/1971	Feldman	
	5	US-4,264,738	04/28/1981	Stepanov et al.	
	6	US-6,075,001	06/13/2000	Wilde	
	7	US-4,664,839	05/12/1987	Rieck	
	8	US-5,614,161	03/25/1997	Wilkens et al.	
	9	US-6,187,055 B1	02/13/2001	Kottwitz et al.	
	10	US-5,783,545	07/21/1998	Paatz et al.	
	11	US-3,893,929	07/08/1975	Basadur	
	12	US-4,116,885	09/26/1978	Derstadt et al.	
	13	US-6,379,394 B1	04/30/2002	Chilou et al.	
	14	US-5,730,960	03/24/1998	Stein et al.	
	15	US-6,192,960 B1	02/27/2001	Metzger et al.	
	16	US-5,705,169	01/06/1998	Stein et al.	
	17	US-5,962,613	10/05/1999	Schade et al.	
	18	US-6,083,898	07/04/2000	Meixner et al.	
	19	US-5,739,091	04/14/1998	Kiesser et al.	
	20	US-6,417,152 B1	07/09/2002	Kottwitz et al.	
	21	US-5,318,733	06/07/1994	Carduck et al.	
	22	US-5,616,550	04/01/1997	Kruse et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document Country Code* Number*—Kind Code* (if known)	Publication Date MM-DD-YYYY	Country	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	23	WO96/23874 A1	08/08/1996	PCT	
	24	WO00/60059 A2	10/12/2000	PCT	
	25	WO97/41213 A1	11/06/1997	PCT	
	26	EP 0 636 693 A2	02/01/1995	Europe	
	27	EP 0 628630 B1	05/06/1998	Europe	
	28	WO 94/19454 A2	09/01/1994	PCT	
	29	EP 0 727 485 B1	09/17/2003	Europe	
	30	WO 96/02633 A1	02/01/1996	PCT	
	31	WO 95/26397 A1	10/05/1995	PCT	
	32	WO 97/00324 A1	01/03/1997	PCT	
	33	EP 0 670 367 B1	08/13/2003	Europe	
	34	WO 98/13481 A1	04/02/1998	PCT	
	35	WO 96/23874 A1	08/08/1996	PCT	
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	37	WO 99/20768 A1	04/29/1999	PCT	
	38	WO94/02597 A1	02/03/1994	PCT	
	39	WO99/02702 A1	01/21/1999	PCT	
	40	WO99/23211 A1	05/14/1999	PCT	
	41	WO97/43424 A1	11/20/1997	PCT	
	42	DE 40 131 42 A1	10/31/1991	Germany	
	43	WO 99/43793 A1	09/02/1999	PCT	
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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/774,018
(use as many sheets as necessary)				Filing Date	February 6, 2004
Sheet 2 of 4				First Named Inventor	Kottwitz et al.
				Art Unit	Not yet known
				Examiner Name	Not yet known
				Attorney Docket Number	HENK-0060/H4714
46	WO 99/57254 A1	11/11/1999	PCT		
47	EP 0 208 491 B1	08/25/1993	Europe		
48	WO 97/41213 A1	11/06/1997	PCT		
49	WO 98/05764 A1	02/12/1998	PCT		
50	WO 97/35966 A1	10/02/1997	PCT		
51	EP 0 590 689 B1	05/22/2002	Europe (US5723323)		
52	EP 0 229 046 B1	05/04/1994	Europe (US5723323)		
53	WO 98/42832 A1	10/01/1998	PCT		
54	WO 96/23874 A1	08/08/1996	PCT		
55	WO 00/22103 A1	04/20/2000	PCT		
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57	EP 1 088 887 A1	04/04/2001	Europe		
58	WO 00/26354 A1	05/11/2000	PCT		
59	WO 99/63038 A1	12/09/1999	PCT		X
60	WO 99/63037 A1	12/09/1999	PCT		X
61	DE 196 16 693 A1	11/06/1997	Germany (US6075001)		X
62	DE 196 16 767 A1	11/06/1997	Germany		
63	EP 0 525 239 B1	07/09/1997	Europe		
64	WO 94/27970 A1	12/08/1994	PCT		
65	WO 94/28102 A1	12/08/1994	PCT		
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67	WO 95/00626 A1	01/05/1995	PCT		
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82	EP 0 736 084 B1	09/09/1998	Europe (US5783545)		X
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84	GB 1 154 730	06/11/1969	Great Britain		
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86	GB 1 377 092	12/11/1974	Great Britain		
87	DT 22 53 063	05/03/1973	Germany (US3893929)		
88	DE 28 57 292 A1	02/28/1980	Germany (US4116885)		
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93	EP 0 185 427 B1	03/04/1992	Europe		
94	EP 0 241 984 B1	03/16/1994	Europe		
95	EP 0 241 985 B1	01/23/1991	Europe		
96	EP 0 272 033 A2	06/22/1988	Europe		
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98	EP 0 357 280 B1	02/28/1996	Europe		
99	WO 95/32232 A1	11/30/1995	PCT		

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Substitute for form 1448A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/774,018
		Filing Date	February 6, 2004
		First Named Inventor	Kottwitz et al.
		Art Unit	Not yet known
		Examiner Name	Not yet known
Sheet 3 of 4	Attorney Docket Number	HENK-0080/H4714	

	100	WO 97/31085 A1	08/28/1997	PCT (US6379394)		
	101	EP 0 728 749 A2	08/28/1996	Europe		
	102	EP 0 693 471 B1	01/21/1998	Europe (US5730960)		
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	105	DE 197 12 033 A1	09/24/1998	Germany (US5705169)		
	106	WO 95/12655 A1	05/11/1995	PCT		
	107	WO 92/19707 A1	11/12/1992	PCT		
	108	WO 98/13460 A1	04/02/1998	PCT		
	109	EP 9 583 534 B1	03/05/1997	Europe		
	110	WO 93/00418 A1	01/07/1993	PCT		
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	114	WO 97/05227 A1	02/13/1997	PCT		
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		Filing Date	February 6, 2004
		First Named Inventor	Koltwitz et al.
		Art Unit	Not yet known
		Examiner Name	Not yet known
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